

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

PATENT APPLICATION

Applicant: **Rafferty**

Case: **VM/002**

Serial No.: **10/579,426**

Filed: **May 12, 2006**

Examiner: **Le, Huyen D.**

Group Art Unit: **2615**

Confirmation No.: **7883**

Title: **HEARING AID THAT FACILITATES REMOVAL OF EARWAX AND TRAPPING OF MOISTURE**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

RESPONSE TO RESTRICTION REQUIREMENT DATED DECEMBER 24, 2008

In response to the Restriction Requirement dated December 24, 2008 and having a shortened statutory period set to expire January 24, 2009, the Applicants elect without traverse the invention of Species I, claims 21-23, 25-26, 37-42, 43 and 46. The Applicant reserves the right to file divisional and/or continuing patent applications to pursue the non-elected subject matter.

Although the Applicant believes that no fees are due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 50-3562 for any fees, such as extension of time fees, required to make this response timely and acceptable to the Office.

Accordingly, both further consideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Alan Taboada at (732) 935-7100 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

January 22, 2009

/ Alan Taboada /

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